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**MEMO ENDORSED**

March 2, 2021

*Via ECF*

Honorable Valerie Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

Re: *Trustees of the New York City District Council Pension  
Fund, et al. v. New York Mastclimbing LLC et al.*  
Docket No. 20 CV 5867 (VC)

Dear Judge Caproni:

We represent the Defendants in the above captioned matter. We write jointly with counsel for Plaintiffs to request one final adjournment of the March 4, 2021 deadline to submit the proposed case management plan and the initial conference scheduled for March 12, 2021 at 11:00 a.m.

The parties remain in the process of discussing settlement and have gotten very close. As part of negotiations, Defendants requested an assessment of potential withdrawal liability which required an analysis that has now been completed. We are now determining whether in light of that we can finalize a settlement to dispose of the case or will instead need to proceed to discovery. It goes without saying that the determination has been complicated by the business uncertainties surrounding the pandemic.


Accordingly, we respectfully request one final 30-day extension of the deadline to submit the proposed case management plan and a corresponding adjournment of the initial conference. Although the Court has been very generous in granting time being that this is the parties' fourth such request, we remain hopeful that they will be able to resolve this matter without the need for further

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litigation.

We thank the Court for its time and attention to this matter.

Respectfully submitted,  
GRABER PLLC



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Daniel Graber, Esq.

cc: Plaintiffs' counsel (via email and ECF)

Application GRANTED. The initial pretrial conference is adjourned to **April 16, 2021 at 10:00 a.m.** The parties' joint submissions are due by **April 8, 2021**. The parties must appear for the hearing by dialing 888-363-4749, using the access code 3121171, and the security code 5867. No further extensions will be granted.

SO ORDERED.



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

3/2/2021